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TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

Marty J. Hebert
LA. DOC #368170

Civil Action No. 6:15-cv-2348

versus

Section P

Judge Rebecca F. Doherty

Warden Burl Cain

Magistrate Judge Carol B. Whitehurst

JUDGMENT

This matter was referred to United States Magistrate Judge Carol B. Whitehurst for report and recommendation. After an independent review of the record, and consideration of objections filed, this Court concludes that the Magistrate Judge's report and recommendation is correct and adopts the findings and conclusions therein as its own. Accordingly,

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Petitioner's motion for relief pursuant to Federal Rule of Civil Procedure 60(b) (Doc. 7) is DENIED, consistent with the report and recommendation.

Rule 11 of the Rules Governing Section 2254 Proceedings for the U.S. District Courts requires the district court to issue or deny a certificate of appealability when it enters a final order adverse to the petitioner. The Court, after considering the record in this case and the standard set forth in 28 U.S. C. § 2253, denies a certificate

of appealability because Petitioner has not made a substantial showing of the denial of a constitutional right.

THUS DONE AND SIGNED, in chambers, in Lafayette, Louisiana, on this

2nd day of February, 2017.



REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE